

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAR 09 2017

Clerk of Court

United States of America)

v.)

Daniel FLORES)

USC: 1977)

Case No. M-17-0426-M)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/08/2017 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 922(g)

Title 18 USC 922(g)(1): Unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved to file:

AUSA



Complainant's signature

Matthew W. Galecki - ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/09/2017

Judge's signature

City and state: McAllen, Texas

U.S. Magistrate

Printed name and title

ATTACHMENT A

Your affiant, Special Agent Matthew W. Galecki, being duly sworn, depose and states the following:

1. On March 8, 2017, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) Special Agents, Homeland Security Investigations Special Agents, and Texas Department of Public Safety Special Agents observed Daniel FLORES consummate the sale and transfer four (4) semiautomatic pistols in a parking lot adjacent to the Taco Palenque restaurant located at 4205 North Conway Avenue in Palmhurst, Texas, within the Southern District of Texas.
2. On February 24, 2017, an ATF undercover agent (UC) was contacted by FLORES inquiring if the ATF UC was interested in purchasing four (4) handguns for approximately \$850.00 each.
3. On March 7, 2017, the ATF UC confirmed FLORES was willing to sell four (4) handguns. FLORES offered to sell the ATF UC two (2) .45 caliber pistols for sale at \$850.00/each and two (2) nine millimeter pistols for \$800.00 each.
4. On March 8, 2017 at approximately 2:45 P.M., the ATF UC and FLORES agreed to meet at the Walmart retail store located at 3600 West Nolana Avenue in McAllen, Texas to conduct the firearms transaction for the four (4) pistols.
5. On March 8, 2017, at approximately 3:12 P.M., a red Ford F-150 pickup truck pulled alongside the vehicle driven by the ATF UC in the Walmart parking lot. The ATF UC advised surveillance units two male subjects were observed in the passenger compartment of the vehicle. FLORES was identified as the driver and an unidentified male was positioned in the passenger seat. FLORES requested the ATF UC to meet him at Taco Palenque to conduct the firearms transaction.

ATTACHMENT A

6. On March 8, 2017 at approximately 3:15 P.M., surveillance units observed FLORES exit the driver's side of the Ford F-150 pickup truck and enter the ATF UC vehicle in the parking lot adjacent to Taco Palenque. FLORES presented a black case containing two (2) .45 caliber pistols and another black case containing two (2) 9 millimeter pistols to the ATF UC. The ATF UC issued FLORES \$3,300.00 in authorized, pre-recorded agent cashier funds for the four (4) pistols. FLORES exited the ATF UC vehicle and re-entered the Ford F-150 pickup truck. Surveillance units immediately approached the Ford F-150 pickup truck and placed FLORES into custody.

7. On March 8, 2017, ATF Group III Special Agent Carlos Delgado conducted an interstate nexus determination of the aforementioned firearms. Special Agent Delgado who is recognized as an expert in the interstate movement of firearms, advised me that the Beretta, model PX4 Storm, 9 millimeter pistol bearing serial number PX3511M, a Ruger, model 9E, 9 millimeter pistol bearing serial number 337-33117, a Ruger, SR45, .45 caliber pistol bearing serial number 380-55011, and a Citadel, M1911-A1-FS, .45 caliber pistol bearing serial number CIT016040 were not manufactured in the state of Texas and therefore traveled in interstate commerce.

8. A Computerized Criminal History (CCH) inquiry was conducted which revealed that on September 23, 2010, Daniel FLORES was convicted of Conspiracy to Distribute Marijuana (Count I) and Conspiracy to Commit Money Laundering (Count II) in the Western District of Arkansas. FLORES was sentenced to fifty-four (54) months imprisonment on each count with the terms running concurrently.

ATTACHMENT A

9. The evidence in this case establishes probable cause that FLORES has violated the following Federal law:

- Title 18, U.S.C. § 922(g)(1) – It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.